

4 JUN 1976

Ms. Barbara Shan
Treasurer, Durkin for Senate Committee
60 Eads Street
Manchester, New Hampshire 03102

Re: WVA 053 (75)

Dear Ms. Shan:

This letter is to notify you that the Federal Election Commission has voted to terminate its investigation and close its files in the above-captioned matter. The Commission has concluded that there is no reason to believe that any violation of the Federal Election Campaign Act of 1971, as amended, has been committed.

If you have any questions, please do not hesitate to contact us. The attorney who was assigned to this matter is David Spiegel (telephone No. 202-382-4059).

Sincerely yours,

Signed: John G. Murphy, Jr.
John G. Murphy, Jr.
General Counsel

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June 4, 1976

MEMORANDUM TO: Larry McCoy
THROUGH: William Oldaker
FROM: David Spiegel
RE: MUR 053 (75)

The Commission has determined that there is no reason to believe any further investigation is warranted with regard to the §608(c) issue in this matter. However, we would appreciate it if you would check Senator Durkin's campaign reports to see if they reflect the contributions in kind noted in the General Counsel's Report. If they do not, please notify the Senator pursuant to the procedures in Part III of the Memorandum of Understanding on Reporting Violations.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 053 (75)
Durkin for Senate Committee)

COMMISSION ACTION

The Federal Election Commission has reviewed this matter and has concluded that since the expenditure limitations in 18 U.S.C. §608(c) were found to be unconstitutional in Buckley v. Valeo, 424 U.S. 1 (1976) for candidates who do not receive public funds, there is no reason to believe that any violation of the Federal Election Campaign Act of 1971, as amended, has been committed. The Federal Election Commission has accordingly voted, 6 - 0 , to close the file in this matter.

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Vernon Thomson
Vernon Thomson
Chairman

Thomas E. Harris
Thomas Harris
Vice Chairman

Neil Staebler
Neil Staebler
Commissioner

William L. Springer
William L. Springer
Commissioner

Joan D. Aikens
Joan D. Aikens
Commissioner

Robert O. Tiernan
Robert O. Tiernan
Commissioner

DATE: JUN 03 1976

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BEFORE THE FEDERAL ELECTION COMMISSION

In the matter of)
Durkin for Senate Committee) MUR 053 (75)

GENERAL COUNSEL'S REPORT

I. Issues and Pertinent Facts

The issues in this matter arise as a result of findings made in a Federal Election Commission audit in December 1975 which followed the September 16, 1975, special election in New Hampshire between John Durkin and Louis Wyman. The audit revealed that three union political action committees -- each meeting the requirements of 18 U.S.C. §608(b)(2) -- made unreported contributions in kind on behalf of the Durkin for Senate Committee. The PACS making the contributions were as follows:

1. International Lady Garment Workers Union Campaign Committee, \$1,723.29.
2. Marine Engineers Beneficial Association Political Action Fund, \$1,545.85.
3. Service Employees International Union, COPE, \$300.00.

The contributions were made with the knowledge and implied consent of the Durkin for Senate Committee. If added to the Committee's total expenditures the contributions create a violation of the limitation in 18 U.S.C. §608(c).

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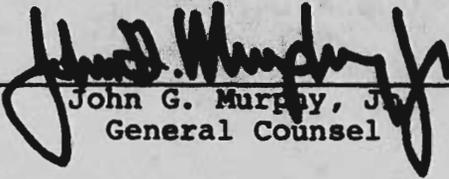
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II. Analysis

This matter has been resolved by the Supreme Court's decision in Buckley v. Valeo, 44 U.S.L.W. 4127 (1976), which held the expenditure limits in 18 U.S.C. §608(c) were unconstitutional.

III. Conclusion

Close the file.



John G. Murphy, Jr.
General Counsel

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DATE: JUN 03 1976

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Barry Shillito
December 31, 1975

TRIP REPORT - DURKIN/WYMAN AUDIT

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During the week of December 8 through 12, 1975, the Federal Election Commission conducted an audit of the Durkin/Wyman campaigns for Senate. The audit concerned the September 16, 1975, special election to fill the New Hampshire Senate seat, and was conducted pursuant to Title 2, United States Code, §438(a)(8), and the Commission's Interim Guideline relative to the New Hampshire Senate election, published September 3, 1975 in the Federal Register (40 FR 40668). Representing the Commission during the audit were, Mr. Peter Roman, Chief, Audit and Investigation Division; Mr. Michael Hershman, Audit Manager; Mr. Barry L. Shillito, Staff Attorney, Office of General Counsel; Ms. Nancy Davis, Public Records and Ms. Karyl Billups, Public Records.

On December 8, 1975, Mr. Roman and Ms. Davis met with Ms. Barbara Shea, Treasurer of the Durkin for Senate Committee at the Post Office on Hanover Street in Manchester, New Hampshire. Mr. Roman explained to Ms. Shea that the audit was routine and would cover all the candidates involved in the New Hampshire Special Election as well as the Democratic and Republican State Committees. Mr. Roman also explained we would need to see the Committee's books, bank statements, checks, deposits, contributor cards

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and invoices. The audit procedures followed were those attached to the report.

All three candidates had an expenditure ceiling of \$150,000 each, plus another 20 percent for fundraising for a total expenditure ceiling of \$180,000.

With regard to the Durkin campaign the audit revealed the total expenditures made were: per report \$177,330.38, per bank \$176,902.63 and per book \$176,987.01.

In addition to the expenditures listed above there were additional expenditures made by union political action committees which may count against the Durkin campaign expenditure limitation. They are as follows:

Expenditure Adjustments

(1) \$1,723.29 spent by the International Lady Garment Workers Union (ILGWU) on behalf of Mr. Durkin. This expenditure is explained in detail in compliance action #3 of this report.

(2) \$1,545.85, expenditure made by the Marine Engineers Beneficial Association (MEBA) for a "Meet the Candidate Buffet and Cocktail Party." The Treasurer of the Durkin Campaign indicated that this expenditure was not authorized by the Committee, however, the candidate did attend the party. If the Commission chooses not to count this expenditure against the candidate's expenditure ceiling it would appear MEBA is in violation of 18 U.S.C., §608(e).

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(3) \$300 expenditure by the Service Employees AFL-CIO/CLC, for the salary of Tom King, apparently who performed work for the Durkin Campaign prior to the special election. It is not known yet whether Durkin officials were aware of his activity on their behalf.

If all three of these expenditure adjustments are added to the Durkin Campaign, the total expenditures are, \$180,556.15 per book. If the Commission chooses to add these adjusted expenditures to the Committee's expenditure limitation the committee has obviously exceeded its limit in violation of 18 U.S.C., §608(e). Another alternative would be to charge MEBA and ILGWU with violating 18 U.S.C., §608(e).

On December 8, 1975, Mr. Hershman and Ms. Billups met with Mr. E. William Bisson, Treasurer for the Wyman Campaign and Ms. Caro Bennett, bookkeeper, in Concord, New Hampshire. Mr. Hershman explained that the audit was routine and would cover all the candidates involved in the New Hampshire Special Election. Mr. Hershman also explained we would need to see the Committee's books, bank statements, checks, deposits, contributor cards and invoices. The audit procedures followed were the same as previously mentioned.

The staff discovered that the Wyman Committee formed two committees (Wyman #1 and Wyman #2) in

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accordance with the Commission's New Hampshire Guideline. July 31st was used as the cut-off date separating the committees. Unfortunately, both committees operated out of the same bank account until on or about September 3, 1975, when Wyman #2 opened a separate account.

Our preliminary audit revealed that the Wyman #1 Committee made at least \$24,500 in expenditures attributable to the special election and that when added to the expenditures from the Wyman #2 Committee of approximately \$169,000, the campaign had greatly exceeded their \$180,000 expenditure limit under 18 U.S.C., §608(e).^{*} With this in mind, Messrs. Roman, Hershman, and Shillito conferred and agreed to advise the Commission that a subpoena might be necessary to attain custody of the books and records for the Wyman Special Election campaign. The staff felt the need for a subpoena was compounded by the Wyman campaign treasurer's inability to explain or answer any questions regarding the books and records. Also, the best evidence for any potential violation was

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^{*} The Republican National Committee (RNC) has approximately \$1,800 in travel expenses left over from President Ford's visit to New Hampshire during the campaign. The RNC has informed the Wyman #2 Committee that they cannot pay these expenditures without exceeding their limitation under 18 U.S.C., §608(f), and therefore requested the committee to pick up the tab. Also, the New Hampshire Telephone Company has attempted to seek reimbursement for bills owed by the Wyman #2 Committee from the New Hampshire Republican State Committee. The State Committee has informed the telephone company they cannot pay for bills owed by Wyman #2 Committee without violating 18 U.S.C., §608(f).

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the pledge cards used by the Wyman #1 Committee to solicit for the special election, and the staff did not feel they could guarantee the integrity of the cards, as well as books and records unless they were in the Commission's custody. One entry the staff found particularly puzzling was a \$10,253 debt owed the Wyman #1 committee by the Wyman #2 Committee. Neither Mr. Bisson nor Ms. Bennett were able to explain the entry and stated they knew nothing about it. Mr. Hershman was later contacted by Dick Thacher, bookkeeper for the Republican National Committee and a former part-time bookkeeper for the Wyman Committee. Mr. Thacher explained that the \$10,253 represented 57 percent of the #1 Committee's expenditure for the special election. He indicated that Wyman #1 Committee also transferred 57 percent of the monies raised as a result of the fundraising to Wyman #2. The 43 percent of the contributions left in Wyman #1 were used to pay expenses not related to the September 16, 1975 special election. Mr. Thacher indicated that by using his allocation formula the Wyman campaign did not exceed their expenditure limitations of \$180,000.

On December 11, 1975, Mr. Hershman contacted Mr. Bisson to arrange a meeting to discuss several of the questions which had arisen during the course of the audit. The meeting was scheduled for 2:00 p.m.

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December 11. Mr. Hershman later called Ms. Bennett and informed her of the meeting and requested that she be there. Because of the criminal nature of any potential violation under Title 18, we emphasized both parties should be represented by counsel.

At 2:00 p.m., December 11, Messrs. Roman, Hershman, and Shillito met with representatives of the Wyman Committee at the Republican State Committee headquarters, in Concord, New Hampshire. Representing the Wyman Committee were E. William Bisson, Treasurer, Caro Bennett, Bookkeeper and Eugene Van Loan, III, Attorney of the firm Wadleigh, Starr, Peters, Dunn and Kohls of Manchester, New Hampshire.

The Committee was advised that the audit had raised several questions concerning the allocation of expenditures between the Wyman #1 and #2 Committees. It was explained that the Commission would have to determine the validity of the allocation formula attributed to Mr. Thacher, of the RNC. In addition, it was pointed out that the expenditures cited by the Wyman #1 Committee (\$17,818 for the special election), did not include staff salaries and other administrative costs, and that this may alter the results of the allocation formula used.

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If the Commission found fault with the allocation formula it might mean that the Wyman for Senate Committee #2 exceeded the expenditure limitations of 18 U.S.C., §608(c). However, it was explained that the decision concerning the formula would be a difficult one and would require additional audit steps. The auditing procedures would be tedious because they involve the inspection of all contributor cards and expenditure records. We stated that in order to present the matter in a full and fair manner to the Commission it would be helpful to take some of the records to Washington in order to analyze them.

It was absolutely clear that our request was for voluntary cooperation and that denial of that cooperation would not necessarily lead to further Commission action. Mr. Van Loan did inquire as to the possible consequences of exceeding the spending limitations. He was told that exceeding the limit would constitute a violation. Van Loan further inquired as to the responsibility and was informed that the responsibility rests with the Treasurer and candidate. He (Van Loan) indicated that if criminal liability was a possibility then perhaps the Commission should subpoena the records. We replied that a decision to subpoena was up to the Commission. Again, we stressed that the reason for wanting the

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records at the time, was for further analysis.

Mr. Van Loan asked for a breakdown of the expenditure allocations as formulated by the Wyman Committee. During this discussion the topic of staff salaries arose and Mrs. Bennett indicated that virtually all her time, some of Mr. Bissons time and a portion of the time of a secretary, Mrs. Helen Martin, was used for collecting and collating contributions resulting from the fundraising drive.

Mr. Van Loan requested a period to speak with Mr. Bisson and Ms. Bennett. After the conversation, we returned and were informed that the materials would be voluntarily released. Van Loan indicated that he recommended that Bisson and Bennett obtain private counsel and answer no further questions. In addition, Van Loan requested that Bisson and Bennett be left with enough materials so they might complete the next report. This was agreed upon, and a receipt was drawn for the records (see attached).

The Audit and Investigation staff is presently analyzing the books and records for the Wyman Campaign and their findings will be contained in the final report on this audit.

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Supplemental Audits

On Wednesday, December 10, 1975, Mr. Roman and Mr. Shillito audited the New Hampshire Democratic State Committee. We interviewed Mr. Lynch, in charge of the State Committee's Federal expenditures. Mr. Lynch was advised that the audit was being conducted pursuant to the Federal Election Campaign Act of 1971, as amended, specifically, Title 2, United States Code, Section 438.

The reports filed by the New Hampshire Democratic State Committee do not reflect that the Committee had in fact established a separate segregated fund for the support of candidates running for Federal office. Mr. Lynch informed us, however, that the State Committee had registered its separate Federal account under the name of the State Committee and titled "Get Out the Vote", and the State Committee itself had never registered or reported to the Federal Election Commission. The Federal account of the New Hampshire Democratic State Committee spent approximately \$7,000, and did not exceed the expenditure limitation under §608(f) of Title 18. Mr. Shillito and Mr. Roman were satisfied that the books and records for the New Hampshire Democratic State Committee Federal account accurately reflected the amount of expenditures made on behalf of the Durkin for Senate Campaign.

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On Friday, December 12, 1975, Mr. Shillito interviewed George McClellan, the Treasurer for the New Hampshire Democratic State Committee. The purpose of this meeting was to examine the books and records of the New Hampshire Democratic State Committee to determine whether or not they had expended any funds in addition to those spent by the Federal account. An examination of the books and records for the New Hampshire Democratic State Committee indicates that they did not spend any money outside of the Federal account. I am satisfied, therefore, that the records and books of the New Hampshire Democratic State Committee reflect expenditures on behalf of State and local candidates and not Federal candidates, and that the New Hampshire Democratic State Committee need not register and file reports with the Commission, provided they continue to make expenditures on behalf of candidates for Federal office out of their separate segregated Federal account.

The following are a list of compliance actions or complaints submitted to the staff by the Staff Director, Mr. Potter, and the Chairman of the Commission, Mr. Curtis.

(1) The first complaint states that on August 26, 1975, the Teamsters D.R.I.V.E. gave \$1,000 to the Durkin campaign. The Durkin Committee refunded the \$1,000 to D.R.I.V.E. on September 11, 1975.

On September 10, 1975,
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D.R.I.V.E. gave \$1,000 to the New Hampshire Democratic State Council. The complaint goes on to say that this may be coincidence, but if not, it would appear to be directed funds. It goes on to say that the New Hampshire Democratic State Council did not report to the FEC as being involved in this election.

Essentially, the nature of the complaint is that the New Hampshire Democratic State Council did not report to the Federal Election Commission. The New Hampshire Democratic State Council and the New Hampshire Democratic State Committee are one and the same Committee. In view of this it appears that the complaint has been answered since the Committee is in fact registered with the Commission. AID intends to contact Teamsters D.R.I.V.E. to discover what happened to the \$1,000 which was allegedly given to the Durkin Campaign and then refunded to the Teamsters. Neither the Durkin Campaign or the Democratic State Committee reports indicate having received the \$1,000 in question. During our conversation with Mr. Lynch of the Democratic State Committee, he indicated that the \$1,000 check from D.R.I.V.E. was not accepted, and was returned without being deposited.

(2) The second complaint concerns an article which appeared in the New Hampshire Sunday News which states that Miss Ruth Columbo was in New Hampshire to set up phone

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banks for the special election. Miss Columbo stated she was paid by George Meany, President, AFL-CIO, and stated, "my boss is Al Barkin, National Director of COPE."

Miss Columbo was listed in the AFO-CIO reports filed with the Department of Labor for the Fiscal Year July 1, 1974, to June 30, 1975, as the Assistant Area Director of the Women's Activities Department of the AFL-CIO. She is not listed as a COPE employee as all the COPE employees are.

RECOMMENDATION--AID will contact Miss Columbo.

(3) The third allegation is that on September 29, 1975, the International Lady Garment Worker's Union Campaign Committee reimbursed the International Lady Garment Worker's Union \$1,132.74 for Elliott Klitzman's and Margaret Bevins' in-kind work for the Durkin Campaign. On September 29, 1975, the International Lady Garment Worker's Union Campaign Committee reimbursed the North New England District Council \$590.55 for in-kind services for the Durkin Campaign for Elliott Klitzman, Edward O'Connell, Margaret Bevins and Theresa Longlie. The Durkin Committee does not show these contributions anywhere in their reports.

On Thursday, December 11, 1975, Mr. Shillito spoke with Mr. Lipsig, treasurer for the International Lady Garment Worker's Union. Mr. Lipsig informed Mr. Shillito that the individuals mentioned in the above complaint were assigned to the Durkin Committee and provided ~~voluntary~~

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services. Later, the Campaign Committee for the International Lady Garment Worker's Union reimbursed the Union the amount of the expenses incurred for salaries, etc. by the individuals named above. In conversations with Mrs. Barbara Shea, treasurer for the Durkin Campaign Committee, Mrs. Shea indicated that she had no knowledge of any of the individuals named in the above complaint being assigned to the Durkin Committee. Mrs. Shea did indicate, however, that Mr. J. Joseph Grandmaison was in charge of all the union campaign activities carried on by the Durkin Campaign. We have not yet contacted Mr. Grandmaison, but intend to do so in order to find out the nature of the services provided by the individuals indicated in the complaint. It would appear that if the nature of this allegation is accurate, then we would have to add an additional \$1,723.29 to the expenditure limitation for the Durkin Committee, or charge the Union with a violation of 18 U.S.C. §608(e).

(4) The fourth allegation is that on August 28, 1975, the Seafarers Political Activities Donation Committee (SPAD) gave \$1,150 to the Sullivan County Labor Council AFL-CIO in Claremont, New Hampshire. The money was alledgedly given for the campaign of John Durkin and the Sullivan County Labor Council did not register or report as required by law.

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During the course of the audit, attempts were made to contact the Sullivan County Labor Council AFL-CIO without success. AID will contact SPAD on this matter.

(5) The fifth complaint is that organized labor sent letters and brochures to Union members in envelopes granted special postal rates as non-profit organizations. In view of the fact these postal rates are subsidized by the Federal Government, the complaint indicates that they feel this is a violation of the Federal law. This would seem to be allowed by 18 U.S.C. §610. Recommendation is that the legal staff look into this matter and come up with an answer.

(6) The sixth complaint is that the New Hampshire Democratic State Committee Get Out the Vote (GOV) Committee registered on September 5, 1975, and did not report contributions or expenses on behalf of the Durkin Campaign. This allegation does not appear to be valid in view of the fact that the New Hampshire Democratic State Committee Get Out the Vote Committee did, in fact, register and file with the Federal Election Commission.

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(7) The seventh complaint is that after the 1974 election, the Durkin Campaign set up a continuing committee to pay off debts and finance the Senate challenge. This committee was called the Durkin for U.S. Senate '75 Campaign. The complaint alleges that, "the Committee raised \$43,835.97 and spent \$49,980.47 and had a cash on hand possession of \$1,196.76 and a debt of \$45,606.59. This Committee also reported as of October 6, 1975, contributions of \$208,146.57 in expenses of \$196.27 for the cash on hand of \$12,119.32 and a debt of \$14,777.32." The complaint alleges that the Committee is keeping two sets of books which they indicate is a clear violation of the Federal Election Law.

Under the New Hampshire Interim Guidelines issued by the Federal Election Commission on September 3, 1975, and found in the Federal Register 40 FR 40668, the Commission indicated ^{that} each candidate must designate a new principal campaign committee to receive contributions and incur expenditures in respect to the September 16, special election. It would therefore appear that the New Hampshire Guideline required the keeping of two sets of books--one for the 1974 election and another for the 1975 special election, held on September 16, 1975. In view of this it does not appear that the complaint merits any further investigation.

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(8) Allegation number eight is that Ralph Nader was in New Hampshire one week before the election and the question was raised "wouldn't it be interesting to know if organized labor is contributing to Nader's efforts against big business." We have not sought to uncover anything which would indicate that organized labor was in fact, contributing to Mr. Nader's efforts against big business one week prior to the election in New Hampshire, since it would appear that the nature of this complaint does not merit further investigation.

(9) The ninth allegation states: "An example of getting around the laws are the Machinist Nonpartisan Political Committee's contributions to the Durkin Campaign." It goes on to state that on February 11, 1975, the Machinist Nonpartisan Political Committee gave \$1,000 to Durkin's 1974 Campaign. On July 11, 1975, they gave \$5,000. The complaint goes on to state that these contributions are supposedly for the 1974 election and the 1975 challenge pre-election. It indicates that the Committee went on to give another \$5,000 on August 28, 1975. The complaint alleges that the \$5,000 limitation under Title 18, United States Code §608b(2) was violated by these contributions. Treatment of past campaign debts is dealt with in Advisory Opinions 5 and 6 issued by the Federal Election Commission on July 25, 1975, and found in 40 FR 31316, and also in the

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Commission's Interim Guideline and Policy Statement relating to past campaign debts issued on August 5, 1975, and found in 40 FR 32950. It would seem that since the \$1,000 given by the Union for the 1974 campaign was designated for that campaign and that the \$5,000 given on July 11, 1975, was given prior to the July 31 date which was the cut-off date for the beginning of the special election, that the entire amount of \$6,000 would therefore be allocated for the 1974 election in order to defray past campaign debts. The amount given on August 28, 1975, \$5,000 would naturally apply toward the upcoming special election in New Hampshire on September 16, 1975, and be subject to the \$5,000 limit in 18 U.S.C. §608(b)(2). In view of the fact that the \$5,000 given by the Union on July 11, 1975, was given prior to the issuance of Advisory Opinions 5 and 6 and the Commission's Interim Guideline Policy Statements relating to past campaign debts, it would not seem necessary for the Union to submit a written statement to the Durkin Committee specifying that the contribution was to be used for the 1974 campaign.

RECOMMENDATION--It would appear that there is not a violation of the Federal Election Campaign Act of 1971, as amended, contained in the complaint and the matter should be closed.

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(10) On December 12, 1975, Mr. Shillito contacted Mr. Lawrence I. Radway of 22 Ocean Ridge, Hanover, New Hampshire, telephone number 643-2793. Mr. Radway had complained that the Wyman Campaign was using the Government FTS line for political purposes. During the conversation Mr. Radway indicated that he had gotten his information second hand, and that the party he received his information from does not care to talk to the Commission. In view of this it would appear this complaint action has to be closed for lack of substantive information.

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The following is a list of possible Federal violations by the
Durkin campaign and by organized labor's political committees.

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On 8/26/75 the Teamsters D.R.I.V.E. gave \$1,000 to the Durkin campaign. The Durkin committee refunded the \$1,000 to D.R.I.V.E. on 9/11/75. On 9/12/75 D.R.I.V.E. gave \$1,000 to the New Hampshire Democratic State Council.

This may be coincidence but if not it would appear to be directed funds.

The New Hampshire Democratic State Council did not report to the F.E.C. as being involved in this election.

D.R.I.V.E. reports are attached.

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DEMOCRAT REPUBLICAN INDEPENDENT VOTER REGISTRATION
 (Full Name of Candidate or Committee)

SEE REVERSE SIDE FOR INSTRUCTIONS
 (Use separate page(s) for each numbered Part)

Date (month, day, year)	Full Name, Mailing Address, and ZIP Code	Occupation and Principal Place of Business, if any (if self-employed, also check box)	Amount of Contribution	
			This period	Aggregate Year-to-Date
7/2/75	Rangel Education Fund 417 New Jersey Ave., SE Washington, D.C. 20003	<input type="checkbox"/>	\$ 500.00	\$
7/21/75	Debt Burner Committee 5120 Maris, No. 300 Alexandria, Virginia 22304	<input type="checkbox"/>	\$ 750.00	\$
7/28/75	Jeffords For Congress 1707 L Street, N.W. Washington, D.C. 20036	<input type="checkbox"/>	\$ 100.00	\$
8/5/75	Neal For Congress Committee 1401 Northgate Square Apt. 2-C Reston, Virginia 22090	<input type="checkbox"/>	\$ 500.00	\$
8/26/75	Robert Linthicum, Treasurer 220 E. Lexington Street Baltimore, Maryland 21202	<input type="checkbox"/>	\$ 500.00	\$
✓ 8/26/75	Durkin For U.S. Senate Committee P.O. Box 36 Manchester, New Hampshire 03105	<input type="checkbox"/>	\$ 1,000.00	\$
		<input type="checkbox"/>	\$	\$
		<input type="checkbox"/>	\$	\$
		<input type="checkbox"/>	\$	\$
		<input type="checkbox"/>	\$	\$
		<input type="checkbox"/>	\$	\$
		<input type="checkbox"/>	\$	\$

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TOTAL THIS PERIOD \$3,350.00
 (Last page of this Part only)

(Use separate page(s) for each numbered Part)

Date (month, day, year)	Full Name, Mailing Address, and ZIP Code	Occupation and Principal Place of Business, if any (If self-employed, also check box)	Amount of Expenditures	
			Aggregate Year-to-Date	This Period
9/8/75	Committee To Re-Elect Yvonne Brathwaite Burke 910 16th Street, N.W. Suite 600 Washington, D.C. 20006 <input type="checkbox"/>			This period \$ 500.00
9/8/75	Burdick Campaign Committee P.O. Box 1929 Washington, D.C. 20013 <input type="checkbox"/>			This period \$ 1,000.00
9/8/75	Senate Democratic Campaign Committee 130 Old Senate Office Washington, D.C. 20510 <input type="checkbox"/>			This period \$ 750.00
✓ 9/12/75	New Hampshire Democratic State Committee 323 Franklin Street Manchester, New Hampshire 03105 <input type="checkbox"/>			This period \$ 1,000.00
9/22/75	Congressional Black Caucus Dinner 1 Lincoln Plaza New York, New York 10023 <input type="checkbox"/>			This period \$ 1,000.00
9/23/75	The '76 Taft For Senate Committee P.O. Box 23412 Washington, D.C. 20024 <input type="checkbox"/>			This period \$ 200.00
9/23/75	NCEC 201 Massachusetts Avenue, N.E. Washington, D.C. 20002 <input type="checkbox"/>			This period \$ 200.00
9/23/75	DNC - HST Night 1625 Massachusetts Avenue, N.W. Washington, D.C. 20036 <input type="checkbox"/>			This period \$ 500.00
10/6/75	Mike Murphy For Congress P.O. Box 1166 Nashville, Tennessee 37202 <input type="checkbox"/>			This period \$ 1,000.00
10/6/75	Edward Glynn 2913 Armory Drive Nashville, Tennessee 37211 <input type="checkbox"/>			This period \$ 750.00
10/6/75	R.E. Myers Campaign Fund 5219 Peters Creek Road, N.W. Roanoke, Virginia 24019 <input type="checkbox"/>			This period \$ 200.00

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TOTAL THIS PERIOD 7,100.00
 (If total exceeds \$100,000, attach separate page(s))

The attached article from the New Hampshire Sunday News states that Miss Ruth Columbo was in New Hampshire to set up phone banks for the special Senate election. Miss Columbo stated...she was paid by George Meany, president, A.F.L. - C.I.O. and "my boss is Al Barkan, national director of C.O.P.E."

Miss Columbo is listed in A.F.L. - C.I.O. reports filed with the Department of Labor for the fiscal year 7/1/74-6/30/75 as the Assistant Area Director of the Women's Activities Department of the A.F.L. - C.I.O. She is not listed as a C.O.P.E. employee as all other C.O.P.E. employees are. Miss Columbo's salary is \$24,000.10 per year.

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FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF FEDERAL COUNSEL

Labor Political Director From D.C. Here for Durkin

By GREG ANDRUSKEVICH
Sunday News Staff

Big Labor's campaign machine has moved into New Hampshire to secure votes for Senate hopeful John A. Durkin.

Miss Ruth Columbo, women's activities department Eastern director of the AFL-CIO's Committee On Political Education (COPE) headquartered in Washington, D.C., has set up shop in Manchester at Local 2320 of the International

Brotherhood of Electrical Workers.

Stating that New Hampshire is merely one of 27 states she works in, Miss Columbo acknowledged she was in the state, "setting up nine telephone banks, calling our union members, urging them and reminding them there is a special Senate election on Sept. 16."

"Durkin was endorsed by the Labor movement, he is our endorsed candidate and we're hoping our union members will come and vote for Durkin, yes," said Miss Columbo.

Explaining that one of her jobs is to "go around and set up telephone banks in any election in which labor has endorsed a candidate," Miss Columbo stated, "That's why I'm in New Hampshire."

Miss Columbo revealed that COPE is setting up telephone banks in various parts of the state in an effort to contact the 47,000 union members affiliated with the AFL-CIO. They are using computer printouts as a guide. She said they are not calling the 5,000 members of the Teamsters in the state nor the some 1,000 members of the Auto Workers.

"NO SECRET"

"It's no secret," she said, "we're here calling our union members and only our union members," she stressed. She also added she is paid by George Meany, president, AFL-CIO and "my boss is Al

Barkan, national director of COPE," she stated.

J. Joseph Grandmaison, campaign director for the Durkin crusade, said it was "marvelous" to have union people playing an active role in the election.

Two weeks ago, on Friday, Aug. 15 Grandmaison was asked about reports of upwards of 100 out-of-state labor personnel being brought in to help the Durkin effort. He told the Sunday News, "Your

rumor is absolutely not factual." He further stated, "I can say I am positive there aren't any."

Asked about this, in light of Miss Columbo's presence, Grandmaison said he couldn't recall his exact statement of two weeks ago. "If I had been aware of it I would have told you. I don't lie to anybody, including the Union Leader," he said.

NOT INFORMED?

Apparently, then, Durkin's campaign director was not informed for at least four days that the AFL-CIO had one of its top political representatives in New Hampshire working for his candidate. A further check with Miss Columbo revealed that she arrived in the state on Tuesday, Aug. 12.

"I think unions have a responsibility to its membership to do everything possible to provide them with the materials, with information, and to encourage them to vote. I don't see anything wrong with it," said Grandmaison. "John Durkin is LABOR Page 18

FEDERAL ELECTION COMMISSION
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OFFICE OF REGIONAL COUNSEL

LABOR

(Continued from Page One)

proud of the COPE endorsement," he added.

In continuing Grandmaison noted, "It's no secret there is a union movement in support of John Durkin and if all go out and vote John Durkin is proud of the fact that he will represent the interests of the working man and woman of this state in the U.S. Senate."

"Hopefully they all are out there working, and hopefully they'll all go out and vote. And anything to encourage them along that line I support," said Grandmaison.

When questioned about having professionals from Washington in the state instead of keeping it New Hampshire only, Grandmaison said, "If the normal way they do it, and I don't know what that is, if there is a phone bank operating and someone comes in to get it set so local people can call their friends and neighbors to support John Durkin, then I believe it's a great thing."

"Because it's in their best interest, because Louis Whelan doesn't serve their interest. We are aware of the fact unions are aggressively participating in this campaign and we support it," concluded Grandmaison.

A call to Miss Columbo's office revealed she is expected to be out of her Washington office until Sept. 16, the date of the special election. Miss Columbo also stated she is working with Madeline Marchio, New England area director for COPE.

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Section 434(c) states ... "reports shall be filed not later than the 10th day following the close of any calendar quarter in which the candidate or political committee concerned received contributions in excess of \$1,000."

Section 431(e)(4) contribution means the payment, by ... a political committee, of compensation for the personal services of another person which are rendered to such candidate or political committee.

On 9/29 the I.L.G.W.U. Campaign Committee reimbursed the I.L.G.W.U. \$1,132.74 for Elliot Klitzman and Margaret Bevins 'in kind' work for the Durkin campaign.

On 9/29 the I.L.G.W.U. Campaign Committee reimbursed the North New England District Council \$590.55 for the 'in kind' services for the Durkin Campaign of Edward O'Connell, Elliot Klitzman, Margaret Bevins and Theresa Longlie.

The Durkin committee does not show these contributions anywhere in their reports.

FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

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Section 433 (a) of the Federal Election Campaign Law states, "Each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding \$1,000 shall file with the Commission a statement of organization ... 10 days after the date on which it has information which causes the committee to anticipate it will receive contributions or make expenditures in excess of \$1,000."

On 8/28/75 the Seafarers Political Activities Donation, a reporting committee, gave \$1,150 to the Sullivan County Labor Council A.F.L. - C.I.O. in Maremont, New Hampshire. The money was given for the campaign of John Durkin. The Sullivan County Labor Council did not register or report as required by law.

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FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

ITEMIZED EXPENDITURES—COMMUNICATIONS AND NON-CAPITAL, OTHER EXPENDITURES

770400102759

OFFICE OF THE CLERK OF THE HOUSE OF REPRESENTATIVES

Name of Candidate or Committee

Part No. 9A

(Use for itemizing Part 6 or 9)

(Use separate page(s) for each numbered Part)

PAYEE (Recipient of Payment)	CHECK OR CASH PAID BY ELECTION	PURPOSE OF EXPENDITURE (For communication, make expenditure, etc. specify date(s) of use)	AMOUNT OF EXPENDITURE THIS PERIOD	ALLOCATE EXPENDITURES BY CANDIDATE (To be completed only by Committees supporting more than one candidate)	
				Full Name, Congressional District (if applicable), State, and Party	Amount of Expend- ture This Period
Committee for Cong. worth Bldg. W. B. C. 20515		General Contribution	500.00	Fed M. Eisenhower Cong. 2nd Dist. Cal. Democrat	500.00
Hubbard for Congress Committee Person County Ky		"	300.00	Kyle Hubbard Cand. for Congress 5th Dist. Ky. Democrat	300.00
Mr Burner worth Bldg. W. B. C. 20515		"	300.00	James Blanchard Cong. 18th Dist. Mich. Democrat	300.00
Committee for Congress worth Bldg. W. B. C. 20515		"	1000.00	Peter W. Rodino Jr. Cong. 10th Dist. New Jersey Democrat	1000.00
Marion County Labor Union AFL-CIO Gene Schbeck, Pres. 4 Fern St. Marion N.H. 03742		"	1150.00	John Durkin Cand. for U.S. Senate New Hampshire Democrat	1150.00
Office of Nowack worth Bldg. W. B. C. 20515		"	500.00	Henry Nowack Cong. 37th Dist. Democrat	500.00
Committee to Re-elect Sen. Kennedy worth Bldg. W. B. C. 20515		"	1000.00	Edward M. Kennedy U.S. Senate Democrat	1000.00

TOTAL THIS PERIOD

It would appear to be illegal that organized labor sent letters and brochures to union members in envelopes granted special postal rates as Non-Profit Organizations. These special postage rates are subsidized by the Federal Government. (Attached.)

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FEDERAL ELECTOR COMMISSION
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U.S. DEPARTMENT OF JUSTICE

7 7 0 4 0 3 1 2 2 8 1

Carpenter Motor Hotel, Manchester, N.H. 03101



Non-Profit Org.
U. S. Postage
PAID
Manchester, N. H.
Permit No. 2

POST OFFICE
MANCHESTER, N.H.
JUN 10 1961

5 WILLIAM H CLAY
0 278 SHERBURNE RD
7 PORTSMOUTH NH 03801

5
0
7

3

The Democratic State Committee Get-Out-The-Vote Committee registered on 9/5/75. They were set up to aid the Durkin campaign. To date it appears they have never reported on their contributions or expenses. If they have raised money this would be a violation of the law.

77040012282

FEDERAL ELECTION COMMISSION
OFFICE OF THE SECRETARY

SEP 8 5 25 - Sent by Special Agent of Public Service
UNITED STATES SENATE

Office of the Secretary of the Senate
Washington, D.C. 20540

**REGISTRATION FORM AND STATEMENT OF ORGANIZATION
FOR POLITICAL COMMITTEES**

SUPPORTING CANDIDATES FOR THE SENATE AND AUTHORITY TO CONDUCT SUCH ACTIVITIES
OR REPRESENTED BY LEGISLATIVE OF 1960 IN ANY CALENDAR YEAR

SEE REVERSE SIDE FOR ADDITIONAL INSTRUCTIONS
ALL QUESTIONS MUST BE ANSWERED FOR NEW REGISTRATIONS

Existing Committee New Registration Registration Amendment
Name: Democratic State Committee - Get-Out-The-Vote
Address: Carpenter Hotel - Room 700
Manchester, N.H. 03101 Telephone: 669-2040

2. If there are no organizations:

Name of Organization	Address	Relationship
Democratic State Committee	Carpenter Hotel #700 Manchester, N.H. 03101	Affiliate

3. Are you a member of the Committee:
(a) Will you continue to exist in the next year? No
(b) Will you continue to exist in the next year? Yes
(c) Will you support any individual candidate for the U.S. Senate in excess of \$5,000 during the year? No
(d) Will you support a candidate for the U.S. Senate in excess of \$5,000 during the year? Yes

4. (a) If the committee is supporting individual candidates for the U.S. Senate, list each candidate by name, party, date sought, and party affiliation.

Name of Candidate	Address	Party
John Jackson	63 Long Street Manchester, N.H.	Democrat

FEDERAL BUREAU OF INVESTIGATION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

77040012283

5. If this committee is supporting the entire ticket of a party, give name of party:

6. Identify by name, address and position, the committee's custodian of books and accounts:

Full name	Mailing address and ZIP code	Committee title or position
George MacLellan	Carpenter Hotel Manchester, N.H. 03101	Treasurer Office telephone No. 669-2048

7. List by name, address and position, other principal officers of the committee, including the chairman and treasurer if not identified in Question 6 above and members of the finance committee, if any:

Full name	Mailing address and ZIP code	Committee title or position
Laurence Railway	22 Oscom Ridge Hanover, N.H. 03755	Chairman
James E. Higgins	28 Mirror Street Manchester, N.H. 03104	Finance Chairman

8. Does this committee plan to exist in existence beyond the current calendar year? No. If so, how long?

9. In the event of dissolution, what disposition will be made of residual funds?
Reposited to The Democratic State Committee

10. List all banks or other repositories in which the committee deposits funds, holds accounts, rents or other deposits, and contains funds.

Name of bank, etc.	Mailing address and ZIP code
Bank of New Hampshire	Manchester, N.H. 03105

11. List all reports (other than reports required by this Act) required to be filed by this committee with State and local jurisdictions, and the names, addresses, and positions of the recipients of the reports:

Report title	Date required submitted	Name and position of recipient	Mailing address and ZIP code
State Report	Sept. 16	Robert Stark Secretary of State	State House Concord, N.H.

DECLARATION BY OATH OR AFFIRMATION

I, George MacLellan, being duly sworn, depose and say that the information on this Declaration Form and Statement of Organization is complete, true, and correct.

My commission expires 10/10/75

RETURN COMPLETED REPORT AND ATTACHMENTS TO: The Clerk of the Senate, U.S. Capitol, Washington, D.C. 20540

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FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

After the 1974 election the Durkin campaign set up a continuing committee to pay off the debt and finance the Senate challenge. This committee was called the Durkin for U.S. Senate Committee - 1975. As of September 30, 1975 this committee had raised \$43,835.97, spent \$49,980.47, had a cash on hand position of \$1,196.76 and a debt of \$45,606.59.

This committee also reported as of 10/6/75 contributions of \$208,146.57, expenses of \$196,027.25, cash on hand of \$12,119.32 and a debt of \$14,777.32.

It would seem that the committee is keeping two sets of books -- a clear violation of the Federal Election Law.

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OFFICIAL FILE COPY

SUMMARY PAGE

Name of Committee **Durkin for U.S. Senate Comm. 1975**

REPORT COVERING PERIOD FROM **July 1, 1975** THROUGH **September 30, 1975**

	Column A This period	Column B Calendar year to date
SECTION A—RECEIPTS:		
Part 1. Individual contributions:		
a. Itemized (use schedule A*)	\$ 5,000.00	
b. Unitemized	\$ 65.00	
Total individual contributions:	\$ 5,065.00	\$ 42,702.00
Part 2. Sales and collections:		
Itemized (use schedule B and as necessary schedule A*)	\$ None	\$ None
Part 3. Loans received:		
a. Itemized (use schedule A*)	\$ None	
b. Unitemized	\$ None	
Total loans received:	\$ None	\$ None
Part 4. Other receipts (refunds, rebates, interest, etc.):		
a. Itemized (use schedule A*)	\$ None	
b. Unitemized	\$ 43.42	
Total other receipts:	\$ 43.42	\$ 1,133.97
Part 5. Transfers in:		
Itemize all (use schedule A*)	\$ None	\$ None
TOTAL RECEIPTS:	\$ 5,108.42	\$ 43,835.97

SECTION B—EXPENDITURES:

Part 6. Communications and other expenditures:		
Itemize all (use schedule C*)	\$ None	\$ None
Part 7. Expenditures for personal services, salaries, and reimbursed expenses:		
a. Itemized (use schedule D*)	\$ 2,007.00	
b. Unitemized	\$ 25.00	
Total expenditures for personal services, salaries, and reimbursed expenses:	\$ 2,032.00	\$ 9,127.70
Part 8. Loans made:		
a. Itemized (use schedule D*)	\$ None	
b. Unitemized	\$ None	
Total loans made:	\$ None	\$ None
Part 9. Non-media and other expenditures:		
a. Itemized (use schedule C*)	\$ 4,326.25	
b. Unitemized	\$ 365.40	
Total other expenditures:	\$ 4,691.65	\$ 22,903.17
Part 10. Transfers out:		
Itemize all (use schedule D*)	\$ None	\$ 7,949.60
TOTAL EXPENDITURES:	\$ 6,723.65	\$ 49,980.47

SECTION C—CASH BALANCES:

Cash on hand at beginning of reporting period	\$ 2,811.69
Add total receipts (section A above)	\$ 5,108.42
Subtotal	\$ 7,920.11
Subtract total expenditures (section B above)	\$ 6,723.65
Cash on hand at close of reporting period	\$ 1,196.46

SECTION D—DEBTS AND OBLIGATIONS:

Part 11. Debts and obligations owed to the committee (use schedule E*)	\$ _____
Part 12. Debts and obligations owed by the committee (use schedule E*)	\$ 75,625.50

*Schedules are to be used only when itemization is required. (See each Schedule for instructions.) When itemization is unnecessary for a given Part, the total of any amounts for that Part is to be entered as a lump sum on the "Unitemized" line of the appropriate Part of the Summary Report. The word "None" should be entered in any line of the Summary Report when no amount is being reported.

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DURKIN FOR US SENATE CAMPAIGN 1975

COVERING PERIOD FROM SEPTEMBER 2, 1975 THRU OCTOBER 6, 1975

	Column A - This period	Column B - Calendar year to date
RECEIPTS:		
Individual contributions:		
Itemized (use schedule A*)	\$ 28730.00	
Unitemized	\$ 16144.50	
Total individual contributions	\$ 44874.50	\$ 178,750.45
Checks and collections:		
Itemized (use schedule B and as necessary schedule A*)	\$ 3213.30	\$ 9262.30
Loans received:		
Itemized (use schedule A*)	\$ None	\$
Unitemized	\$ None	\$
Total loans received	\$ None	\$ 13800.00
Other receipts (refunds, rebates, interest, etc.):		
Itemized (use schedule A*)	\$ 3547.75	
Unitemized	\$	
Total other receipts	\$ 3547.75	\$ 6333.82
Transfers in:		
Itemized (use schedule A*)	\$ None	\$ None
TOTAL RECEIPTS	\$ 51,635.55	\$ 208,146.57
B - EXPENDITURES		
old Use Part 9		
Expenditures for personal services, salaries, and reimbursed expenses:		
Itemized (use schedule D*)	\$ 22557.01	
Unitemized	\$ 498.60	
Total expenditures for personal services, salaries, and reimbursed expenses	\$ 23055.61	\$ 36,371.17
Loans made:		
a. Itemized (use schedule D*)	\$ None	\$
b. Unitemized	\$ None	\$
Total loans made	\$ None	\$ None
Media and other expenses:		
a. Itemized (use schedule C*)	\$ 87848.90	\$
b. Unitemized	\$ 3608.39	\$
Total other expenditures	\$ 91,457.29	\$ 159,656.08
Transfers out:		
Itemize all (use schedule D*)	\$	\$
TOTAL EXPENDITURES	\$ 114,512.90	\$ 196,027.25
C - CASH BALANCES:		
Cash on hand at beginning of reporting period	\$ 74,996.67	
Add total receipts (section A above)	\$ 51,635.55	
Subtotal	\$ 126,632.22	
Subtract total expenditures (section B above)	\$ 114,512.90	
Cash on hand at close of reporting period	\$ 12,119.32	
D - DEBTS AND OBLIGATIONS:		
Debts and obligations owed to the committee (use schedule E*)	\$	
Debts and obligations owed by the committee (use schedule E*)	\$ 14,777.32	

FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

Ralph Nader was in New Hampshire one week before the election. It would be interesting to know if organized labor is contributing to Nader's efforts against 'business'.

Attached is a news article from the PORTSMOUTH HERALD 9/8/75.

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Wyman Record Scored

9/8 Portsmouth Herald

Nader Urges Participation

DURHAM -- Consumer advocate Ralph Nader told University of New Hampshire students Friday night "the system is crumbling and corruption is an industry in state and local government."

The nationally known head of "Nader's raiders" urged students to register to vote in the Sept. 16 U.S. Senate race, stating: "We have to reclaim and generate a more direct democracy. . . . Increasingly, you'll see there is no escape from citizenship."

Nader's appearance filled to capacity the Stratford Room in the Memorial Union Building, forcing him to deliver a second speech later in the evening.

At a press conference earlier, he told reporters he came to New Hampshire "to talk with students about getting involved" in civic activities and about their education "which is boring."

His appearance was sponsored by Disadvantaged Women for Higher Education and by Public Occurrences, a weekly newspaper which recently suspended publication for lack of money.

When asked whether Democratic U.S. Senate candidate John Durkin or his supporters were paying his expenses, Nader replied, "No, they are not."

His efforts to get students to vote coincided with a

strenuous campaign by Durkin supporters to get students to register. Young people flocked to the town office building Saturday, the last day of voter registration.

During the press conference Nader declined to endorse a candidate, but said Republican Louis Wyman "has just about the worst anti-consumer and anti labor record" in Congress.

"His voting record is highly parallel to the policies of the Chamber of Commerce, the National Association of Manufacturers and Exxon," he said.

Nader told students, "If on and off campus experiences aren't nourishing each other, there's something wrong."

University systems, he said, are dominated by government

NADER

(Please turn to page 2, col. 2)

FEDERAL ELECTION COMMISSION
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1
An example of "getting around the law" is the Machinist Non-Partisan Political Committee's contributions to the Durkin campaign. On 2/11/75 the M.N.P.P.L. gave \$1,000 to the past campaign. On July 11, 1975 they gave \$5,000. This was supposedly for the 1974 election and 1975 challenge (pre-election). They gave another \$5,000 on 8/28/75. The law states a limit of \$5,000 for a given election.

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FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

November 19, 1975

MEMORANDUM

To: Drew McKay
Through: Peter Roman
From: Michael Hershman *myH*
Subject: CA-053-75

An initial review of the pre and post-election reports filed by the Durkin for U. S. Senate Committee 1975 indicated that the total cumulative expenditures for the New Hampshire Special Election totaled \$196,027.25, plus outstanding obligations owed by the committee for campaign expenses of \$14,777.32.

After being notified of the discrepancy, the treasurer of the Durkin for U. S. Senate Committee 1975 responded with the following explanation of expenditures:

Telephone Deposits	\$11,000.00
Refund of Overpayment	21.00
Loan Repayments	13,800.00
Payroll Taxes (previously reported as individual wages)	2,090.07
Reimbursement for Charter Flight	3,670.92
Refund of Contribution	150.00
Transfer to Durkin Office Account	<u>2,000.00</u>
Total	\$32,731.99
Total cumulative expenditures per the 30 day post election report:	\$196,027.25
Plus: Outstanding obligation owed by the committee for campaign expenses	<u>14,777.32</u>
Subtotal	\$210,804.57
Less: Explanation of expenditures by Durkin Committee	<u>32,731.99</u>
Total	\$178,072.58

FEDERAL ELECTION COMMISSION
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77040012291



MEMORANDUM
Page 2

November 19, 1975

It would appear from the above figures that the Durkin for U. S. Senate Committee 1975 stayed within the limitations of 608(c). However, it should be noted that the explanation of expenditures has not been independently verified. The matter will be examined during the regular audit program.

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FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

November 18, 1975

MEMORANDUM

TO: Drew McKay

THROUGH: Peter Roman
Michael Hershman *MH*

FROM: Al Keema *AK*

SUBJECT: Telephone Contact with Barbara Shea, Treasurer & Fiscal Officer for the Durkin for U. S. Senate Committee, November 11, 1975. CA-053-75.

77040012293

A telephone call was made to Ms. Shea to determine whether the Durkin Campaign had exceeded its expenditure limitation in the New Hampshire Special Election held on September 16, 1975. An analysis of the committee's reports by A.I.D. Staff indicated that the committee may have exceeded its total spending limitation by \$14,647, based upon its pre and post-election reports. Ms. Shea outlined the following transactions reflected in the committee's records which have the effect of reducing reported expenditures for limitation purposes:

1. Expected refunds of deposits	\$11,335.00
2. Transfer of funds to set up Durkin Office Account	2,000.00
3. Refunds from individuals for chartered airplane paid for from committee funds	3,671.00
4. Overstatement of amount owed to telephone company	800.00
5. Overstatement of amount owed to law firm (obligation related to recount)	<u>500.00</u>
Total	\$18,306.00

I asked Ms. Shea to submit a letter to the Commission detailing these items.

Based upon the above information, there would appear to be no violation of the limitations prescribed by 18 U.S.C. 608(c) in connection with the Durkin Campaign.



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FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

November 12, 1975

Termination Report

Compliance Action

CA-053-75

- Allegation:** Review of pre and post-election reports filed by the Durkin for U.S. Senate Committee 1975 indicated the limitations of Section 608(c) apparently had been exceeded.
- Report:** After being notified of the discrepancy, the Treasurer of the Durkin for U.S. Senate Committee 1975 responded with an explanation of the matter (see attached letter).
- Recommendation:** The response from the Treasurer, when compared against the reports, adequately resolved the apparent discrepancy. Therefore, it is recommended the case be closed.

Attachment

FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL



77040012294

CAPITOL MOTOR HOTEL
32 FRANKLIN STREET
MANCHESTER, N.H. 03105
TELEPHONE 603 669 4089

LECTION
MISSION
CA-053-75

15 1:39
November 7, 1975

Shea

Federal Elections Commission
1325 K Street N.W.
Washington, D. C.
20463

Dear Sirs;

Regarding the total expenditures of \$196,027.25 submitted on the October 16, 1975 report, I am forwarding to you the following explanation.

On our report of September 16th we were refunded an overpayment of \$21.00 from the Union Leader Corp. Telephone deposits in the amount of \$11,000.00 were made, and loan repayments were made totaling \$13,800.00.

On our report of October 16, 1975 we reported payment of payroll taxes of \$2,090.07 which were previously reported in the individual wages. A cashiers check from the Bank of N.H. in the amount of \$3,670.92 was purchased to pay for a charter plane to Washington. The money for this flight is being reimbursed to the committee by each person on the flight at a rate of \$80.00 per person. We also reported \$150.00 as a returned contribution to Mr. Amos Roos. The Committee transferred to the John A. Durkin Office account the sum of \$2,000.00 for transitional expenses of the Senator.

If the aboved mentioned instances of duplicate spending are deducted from out total expenditures you will find that we have not exceeded the spending limit.

If I can be of further service to you please do not hesitate to contact me.

FEDERAL ELECTIONS COMMISSION
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OFFICE OF GENERAL COUNSEL

Sincerely yours,

Barbara F. Shea

Barbara F. Shea
Treasurer & Fiscal Agent

BFS/jef

77040012295

November 5, 1975

MEMORANDUM TO: Stephen Schachman
 Assistant General Counsel

THROUGH: Drew McKay/Peter Roman

FROM: Al Keema/Jim Nycum *Jan*

SUBJECT: Review of Durkin for U.S. Senate Committee
 1975. Reported Expenditures for Section
 608(e) limitations.

A review of the pre and post-election reports filed by the committee for the New Hampshire Special Election indicates that, after the following adjustments, the limitations of Section 608(e) have been exceeded.

Total cumulative expenditures per the 30 day post election report:		\$196,027.25
Less: Expenditures not applicable to the spending limitations, i.e., repayment of bank loan and double reporting of payroll taxes.		<u>16,157.24</u>
	Subtotal	179,870.01
Plus: (1) Outstanding obligations owed by the committee for campaign expenses		<u>14,777.32</u>
	Subtotal	194,647.33
(2) Contributions in kind reported by various political committees not reported by Durkin for U.S. Senate Committee 1975.		<u>5,760.40</u>
	Total Expenditures	<u><u>\$200,407.73</u></u>

DEPOSITS

FEDERAL ELECTION COMMISSION
 OFFICIAL FILE COPY
 OFFICE OF GENERAL COUNSEL

77040012296

FEDERAL ELECTION COMMISSION

- 1. Audit Program Guidelines for Committees
 - 2. November 19, 1975 Case Status Sheet
 - 3. Draft Memo from Keenan to McKay - 11/12/75
-
- 4. Canto Referral H.M.O. - 12/2/75
-

The above-described material was removed from this file pursuant to the following exemption provided in the Freedom of Information Act, 5 U.S.C. Section 552(b):

- | | |
|--|---|
| <input type="checkbox"/> (1) Classified Information | <input type="checkbox"/> (6) Personal privacy |
| <input type="checkbox"/> (2) Internal rules and practices | <input type="checkbox"/> (7) Investigatory files |
| <input type="checkbox"/> (3) Exempted by other statute | <input type="checkbox"/> (8) Banking Information |
| <input type="checkbox"/> (4) Trade secrets and commercial or financial information | <input type="checkbox"/> (9) Well Information (geographic or geophysical) |
| <input type="checkbox"/> (5) Internal Documents | |

Signed Kurt Bullivant
 date 9-26-77

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